

# Senate Study Bill 1175 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

## A BILL FOR

1 An Act relating to offensive and dangerous weapons, and the  
2 justifiable use of reasonable and deadly force, including  
3 carrying, possessing, transferring, and acquiring weapons,  
4 the purchase and regulation of such weapons, providing  
5 penalties, and including effective date and applicability  
6 provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

OFFENSIVE WEAPONS

Section 1. Section 724.1, subsection 1, paragraph b, Code 2017, is amended by striking the paragraph.

DIVISION II

CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 2. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2017, is amended to read as follows:

(viii) **Section 724.4**, ~~if the child carried the dangerous weapon on school grounds or~~ **724.4B**.

Sec. 3. Section 708.8, Code 2017, is amended to read as follows:

**708.8 Going armed with intent.**

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class "D" felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person's body.

Sec. 4. Section 724.4, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

**724.4 Use of a knife in the commission of a crime.**

A person who goes armed with a knife on or about the person, and who uses the knife in the commission of a crime, commits an aggravated misdemeanor.

Sec. 5. Section 724.4B, Code 2017, is amended to read as follows:

**724.4B Carrying weapons on school grounds — penalty — exceptions.**

1. A person who goes armed with, carries, or transports a firearm of any kind, whether concealed or not, on the grounds of a school commits a class "D" felony. For the purposes of this section, "school" means a public or nonpublic school as

1 defined in section 280.2.

2 2. Subsection 1 does not apply to the following:

3 a. A person listed under ~~section 724.4, subsection 4,~~  
4 paragraphs "b" through "f" or "j" A peace officer, when the  
5 officer's duties require the person to carry a firearm.

6 b. A member of the armed forces of the United States or  
7 of the national guard or person in the service of the United  
8 States, when the firearms are carried in connection with the  
9 person's duties as such.

10 c. A correctional officer, when the officer's duties  
11 require, serving under the authority of the Iowa department of  
12 corrections.

13 d. A person who for any lawful purpose carries an unloaded  
14 pistol, revolver, or other dangerous weapon inside a closed and  
15 fastened container or securely wrapped package which is too  
16 large to be concealed on the person.

17 e. A person who for any lawful purpose carries or transports  
18 an unloaded pistol or revolver in a vehicle inside a closed  
19 and fastened container or securely wrapped package which is  
20 too large to be concealed on the person or inside a cargo  
21 or luggage compartment where the pistol or revolver will not  
22 be readily accessible to any person riding in the vehicle or  
23 common carrier.

24 f. A law enforcement officer from another state when the  
25 officer's duties require the officer to carry the firearm and  
26 the officer is in this state for any of the following reasons:

27 (1) The extradition or other lawful removal of a prisoner  
28 from this state.

29 (2) Pursuit of a suspect in compliance with chapter 806.

30 (3) Activities in the capacity of a law enforcement officer  
31 with the knowledge and consent of the chief of police of the  
32 city or the sheriff of the county in which the activities occur  
33 or of the commissioner of public safety.

34 ~~b.~~ g. A person who has been specifically authorized by  
35 the school to go armed with, carry, or transport a firearm on

1 the school grounds, including for purposes of conducting an  
2 instructional program regarding firearms.

3 Sec. 6. Section 724.4C, Code 2017, is amended to read as  
4 follows:

5 **724.4C Possession or carrying of firearms dangerous weapons**  
6 **while under the influence.**

7 1. A permit issued under ~~this chapter~~ is invalid if the  
8 Except as provided in subsection 2, a person to whom the permit  
9 is issued is commits a serious misdemeanor if the person  
10 is intoxicated as provided under the conditions set out in  
11 section 321J.2, subsection 1-, and the person does any of the  
12 following:

13 a. Carries a dangerous weapon on or about the person.

14 b. Carries a dangerous weapon within the person's immediate  
15 access or reach while in a vehicle.

16 2. This section shall not apply to any of the following:

17 a. A person who carries or possesses a dangerous weapon  
18 while in the person's own dwelling, place of business, or on  
19 land owned or lawfully possessed by the person.

20 b. The transitory possession or use of a dangerous weapon  
21 during an act of justified self-defense or justified defense of  
22 another, provided that the possession lasts no longer than is  
23 immediately necessary to resolve the emergency.

24 Sec. 7. Section 724.5, Code 2017, is amended by striking the  
25 section and inserting in lieu thereof the following:

26 **724.5 Carrying weapons — penalty.**

27 1. Except as provided in subsection 2, the availability  
28 of a professional or nonprofessional permit to carry weapons  
29 under this chapter shall not be construed to impose a general  
30 prohibition on the unlicensed carrying, whether openly or  
31 concealed, of a dangerous weapon, including a loaded firearm.

32 2. A person shall be prohibited from the unlicensed  
33 carrying, whether openly or concealed, of a dangerous weapon,  
34 including a loaded firearm unless the person has completed a  
35 firearm safety training program described under section 724.9,

1 subsection 1.

2 3. A person who violates subsection 2 commits a simple  
3 misdemeanor punishable as a scheduled violation pursuant to  
4 section 805.8C, subsection 11.

5 4. A person cited for a violation of subsection 2, who  
6 produces to the clerk of the district court prior to the date  
7 of the person's court appearance as indicated on the citation  
8 proof that the person has completed a firearm safety training  
9 program described under section 724.9, subsection 1, shall not  
10 be convicted of a violation of subsection 2 and the citation  
11 issued shall be dismissed by the court. Upon dismissal, the  
12 court shall assess the costs of the action against the person  
13 named on the citation.

14 Sec. 8. Section 805.8C, Code 2017, is amended by adding the  
15 following new subsection:

16 NEW SUBSECTION. 11. *Carrying weapons violations.* For  
17 violations of section 724.5, the scheduled fine is one thousand  
18 dollars.

19 DIVISION III

20 PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

21 Sec. 9. Section 80A.13, subsection 1, Code 2017, is amended  
22 to read as follows:

23 1. File with the sheriff of the county in which the campus  
24 is located evidence that the individual has successfully  
25 completed an approved ~~firearms~~ firearm safety training ~~program~~  
26 under section 724.9. This requirement does not apply to  
27 armored car personnel.

28 Sec. 10. Section 724.7, subsection 1, Code 2017, is amended  
29 to read as follows:

30 1. Any person who is not disqualified under section 724.8,  
31 who satisfies the training requirements of section 724.9, if  
32 applicable, and who files an application in accordance with  
33 section 724.10 shall be issued a nonprofessional permit to  
34 carry weapons. Such permits shall be on a form prescribed and  
35 published by the commissioner of public safety, which shall

1 be readily distinguishable from the professional permit, and  
2 shall identify the holder of the permit. Such permits shall  
3 not be issued for a particular weapon and shall not contain  
4 information about a particular weapon including the make,  
5 model, or serial number of the weapon or any ammunition used in  
6 that weapon. All permits so issued after the effective date of  
7 this division of this Act shall be for ~~a period of five years~~  
8 the life of the permit holder and shall be valid throughout the  
9 state three days after the date of an application for a permit  
10 to carry weapons, except where the possession or carrying of a  
11 firearm is prohibited by state or federal law.

12 Sec. 11. Section 724.9, Code 2017, is amended to read as  
13 follows:

14 **724.9 Firearm safety training program.**

15 1. An applicant for an initial permit to carry weapons shall  
16 demonstrate knowledge of firearm safety by any of the following  
17 means:

18 a. Completion of any national rifle association handgun  
19 safety training course.

20 b. Completion of any handgun safety training course  
21 available to the general public offered by a law enforcement  
22 agency, community college, college, private or public  
23 institution or organization, or firearms training school,  
24 utilizing instructors certified by the national rifle  
25 association or the department of public safety or another  
26 state's department of public safety, state police department,  
27 or similar certifying body.

28 c. Completion of any handgun safety training course offered  
29 for security guards, investigators, special deputies, or any  
30 division or subdivision of a law enforcement or security  
31 enforcement agency approved by the department of public safety.

32 d. Completion of small arms training while serving with the  
33 armed forces of the United States ~~as evidenced by any of the~~  
34 ~~following:~~

35 ~~(1) For personnel released or retired from active duty,~~

1 ~~possession of an honorable discharge or general discharge under~~  
2 ~~honorable conditions.~~

3 ~~(2) For personnel on active duty or serving in one of the~~  
4 ~~national guard or reserve components of the armed forces of the~~  
5 ~~United States, possession of a certificate of completion of~~  
6 ~~basic training with a service record of successful completion~~  
7 ~~of small arms training and qualification.~~

8 e. Completion of a law enforcement agency ~~firearms~~ firearm  
9 safety training course that qualifies a peace officer to carry  
10 a firearm in the normal course of the peace officer's duties.

11 2. The handgun safety training course required in  
12 subsection 1 may be conducted over the internet in a live or  
13 web-based format, if completion of the course is verified by  
14 the instructor or provider of the course.

15 3. Firearm safety training shall not be required for  
16 renewals of permits issued after December 31, 2010.

17 2. 4. Evidence If firearm safety training is required under  
18 this section, evidence of qualification under ~~this section~~ such  
19 training may be documented by any of the following:

20 a. A photocopy of a certificate of completion or any  
21 similar document indicating completion of any course or  
22 class identified in subsection 1 that was completed within  
23 twenty-four months prior to the date of the application.

24 b. An affidavit from the instructor, school, organization,  
25 or group that conducted or taught a course or class identified  
26 in subsection 1 that was completed within twenty-four  
27 months prior to the date of the application attesting to the  
28 completion of the course or class by the applicant.

29 ~~c. A copy of any document indicating participation in any~~  
30 ~~firearms shooting competition.~~

31 c. For personnel released or retired from active duty in the  
32 armed forces of the United States, possession of an honorable  
33 discharge or general discharge under honorable conditions  
34 issued any time prior to the date of the application.

35 d. For personnel on active duty or serving in one of the

1 national guard or reserve components of the armed forces of the  
2 United States, possession of a certificate of completion of  
3 basic training with a service record of successful completion  
4 of small arms training and qualification issued prior to the  
5 date of the application, or any other official documentation  
6 satisfactory to the issuing officer issued prior to the date  
7 of the application.

8     3. 5. An issuing officer shall not condition the issuance  
9 of a permit on training requirements that are not specified in  
10 or that exceed the requirements of [this section](#).

11     6. If an applicant applies after expiration of the time  
12 periods specified for renewal in section 724.11, firearm safety  
13 training shall not be required for a renewal permit under this  
14 section.

15     Sec. 12. Section 724.11, subsections 1 and 3, Code 2017, are  
16 amended to read as follows:

17     1. Applications for permits to carry weapons shall be made  
18 to the sheriff of the county in which the applicant resides.  
19 Applications for professional permits to carry weapons for  
20 persons who are nonresidents of the state, or whose need to  
21 go armed arises out of employment by the state, shall be made  
22 to the commissioner of public safety. In either case, the  
23 sheriff or commissioner, before issuing the permit, shall  
24 determine that the requirements of [sections 724.6 to 724.10](#)  
25 have been satisfied. ~~However, for renewal of a permit the~~  
26 ~~training program requirements in [section 724.9, subsection 1,](#)~~  
27 ~~shall apply or the renewal applicant may choose to qualify on a~~  
28 ~~firing range under the supervision of an instructor certified~~  
29 ~~by the national rifle association or the department of public~~  
30 ~~safety or another state's department of public safety, state~~  
31 ~~police department, or similar certifying body. Such training~~  
32 ~~or qualification must occur within the twelve-month period~~  
33 ~~prior to the expiration of the applicant's current permit.~~  
34 A renewal applicant shall apply within thirty days prior to  
35 the expiration of the permit, or within thirty days after the



1 expiration of the permit; otherwise the applicant shall be  
2 considered an applicant for an initial permit for purposes of  
3 renewal fees under subsection 3.

4     3. The issuing officer shall collect a fee of fifty dollars  
5 for an initial permit, except from a duly appointed peace  
6 officer or correctional officer, for each permit issued.  
7 Renewal permits or duplicate permits shall be issued for a  
8 fee of twenty-five dollars, provided the application for such  
9 renewal permit is received by the issuing officer ~~at least~~  
10 within thirty days prior to the expiration of the applicant's  
11 current permit or within thirty days after the expiration of  
12 the applicant's current permit. The issuing officer shall  
13 notify the commissioner of public safety of the issuance of  
14 any permit at least monthly and forward to the commissioner an  
15 amount equal to ten dollars for each permit issued and five  
16 dollars for each renewal or duplicate permit issued. All  
17 such fees received by the commissioner shall be paid to the  
18 treasurer of state and deposited in the operating account  
19 of the department of public safety to offset the cost of  
20 administering [this chapter](#). Notwithstanding [section 8.33](#), any  
21 unspent balance as of June 30 of each year shall not revert to  
22 the general fund of the state.

23     Sec. 13. Section 724.11, Code 2017, is amended by adding the  
24 following new subsection:

25     NEW SUBSECTION. 5. An initial or renewal permit shall  
26 have a uniform appearance, size, and content prescribed and  
27 published by the commissioner of public safety. The permit  
28 shall contain the name of the permittee and the effective date  
29 of the permit, but shall not contain the permittee's social  
30 security number. Such a permit shall not be issued for a  
31 particular weapon and shall not contain information about a  
32 particular weapon including the make, model, or serial number  
33 of the weapon, or any ammunition used in that weapon.

34                                   DIVISION IV

35 PERMIT TO ACQUIRE FIREARMS AND PROHIBITED TRANSFERS OF FIREARMS

1     Sec. 14. Section 724.11A, Code 2017, is amended to read as  
2 follows:

3     **724.11A Recognition.**

4     A valid permit or license issued by another state to any  
5 nonresident of this state shall be considered to be a valid  
6 permit or license to carry weapons issued pursuant to this  
7 chapter, except that such permit or license shall not be  
8 ~~considered to be a substitute for an annual permit to acquire~~  
9 ~~pistols or revolvers issued pursuant to~~ section 724.15 deemed  
10 to satisfy the requirements of section 724.15.

11     Sec. 15. Section 724.15, Code 2017, is amended by striking  
12 the section and inserting in lieu thereof the following:

13     **724.15 Acquiring pistols or revolvers.**

14     1. It is the intent of this section to satisfy federal  
15 requirements of 18 U.S.C. §922(t)(3) in order to acquire  
16 pistols or revolvers. As of July 1, 2017, the state shall no  
17 longer issue a permit to acquire. In order to acquire a pistol  
18 or revolver from a federally licensed firearms dealer, a person  
19 is required to have a valid permit to carry weapons issued in  
20 accordance with this chapter, or if the permit does not satisfy  
21 federal requirements, the person must complete a satisfactory  
22 national instant criminal background check pursuant to 18  
23 U.S.C. §922(t).

24     2. A person shall not acquire a pistol or revolver who is  
25 subject to any of the following:

26     a. Is under twenty-one years of age.

27     b. Is prohibited by section 724.26 or federal law from  
28 possessing, shipping, transporting, or receiving a firearm.

29     c. Is prohibited by court order from possessing, shipping,  
30 transporting, or receiving a firearm.

31     3. An issuing officer who finds that a person issued a  
32 permit to acquire pistols or revolvers under this chapter prior  
33 to the effective date of this division of this Act has been  
34 arrested for a disqualifying offense or who is the subject of  
35 proceedings that could lead to the person's ineligibility for

1 such permit, may immediately suspend such permit. An issuing  
2 officer proceeding under this subsection shall immediately  
3 notify the permit holder of the suspension by personal service  
4 or certified mail on a form prescribed and published by the  
5 commissioner of public safety and the suspension shall become  
6 effective upon the permit holder's receipt of such notice. If  
7 the suspension is based on an arrest or a proceeding that does  
8 not result in a disqualifying conviction or finding against  
9 the permit holder, the issuing officer shall immediately  
10 reinstate the permit upon receipt of proof of the matter's  
11 final disposition. If the arrest leads to a disqualifying  
12 conviction or the proceedings to a disqualifying finding, the  
13 issuing officer shall revoke the permit. The issuing officer  
14 may also revoke the permit of a person whom the issuing officer  
15 later finds was not qualified for such a permit at the time of  
16 issuance or who the officer finds provided materially false  
17 information on the permit application. A person aggrieved by a  
18 suspension or revocation under this subsection may seek review  
19 of the decision pursuant to section 724.21A.

20     Sec. 16. Section 724.16, Code 2017, is amended by striking  
21 the section and inserting in lieu thereof the following:

22     **724.16 Prohibited transfers of firearms.**

23     1. A person shall not transfer a firearm to another person  
24 if the person knows or reasonably should know that the other  
25 person is prohibited from receiving or possessing a firearm  
26 under section 724.26 or federal law.

27     2. A person shall not loan or rent a firearm to another  
28 person for temporary use during lawful activities if the person  
29 knows or reasonably should know that the person is prohibited  
30 from receiving or possessing a firearm under section 724.26 or  
31 federal law.

32     3. A person who transfers, loans, or rents a firearm in  
33 violation of this section commits a class "D" felony.

34     Sec. 17. Section 724.21A, subsections 1 and 7, Code 2017,  
35 are amended to read as follows:

1     1. In any case where the sheriff or the commissioner of  
2 public safety denies an application for or suspends or revokes  
3 a permit to carry weapons ~~or an annual permit to acquire~~  
4 ~~pistols or revolvers~~, the sheriff or commissioner shall provide  
5 a written statement of the reasons for the denial, suspension,  
6 or revocation and the applicant or permit holder shall have the  
7 right to appeal the denial, suspension, or revocation to an  
8 administrative law judge in the department of inspections and  
9 appeals within thirty days of receiving written notice of the  
10 denial, suspension, or revocation.

11     7. In any case where the issuing officer denies an  
12 application for, or suspends or revokes a permit to carry  
13 weapons ~~or an annual permit to acquire pistols or revolvers~~  
14 solely because of an adverse determination by the national  
15 instant criminal background check system, the applicant or  
16 permit holder shall not seek relief under [this section](#) but  
17 may pursue relief of the national instant criminal background  
18 check system determination pursuant to Pub. L. No. 103-159,  
19 sections 103(f) and (g) and 104 and [28 C.F.R. §25.10](#), or other  
20 applicable law. The outcome of such proceedings shall be  
21 binding on the issuing officer.

22     Sec. 18. Section 724.21A, Code 2017, is amended by adding  
23 the following new subsection:

24     NEW SUBSECTION. 8. If an applicant appeals the decision by  
25 the sheriff or commissioner to deny an application, or suspend  
26 or revoke a permit to carry weapons or a permit to acquire  
27 firearms issued prior to the effective date of this division  
28 of this Act, and it is later determined the applicant is  
29 eligible to be issued or possess such a permit, the applicant  
30 shall be awarded court costs and reasonable attorney fees.  
31 If the decision of the sheriff or commissioner to deny the  
32 application, or suspend or revoke the permit is upheld on  
33 appeal, the political subdivision of the state representing the  
34 sheriff or the commissioner shall be awarded court costs and  
35 reasonable attorney fees.

1     Sec. 19.   Section 724.27, subsection 1, unnumbered paragraph  
2 1, Code 2017, is amended to read as follows:

3       The provisions of [section 724.8](#), section 724.15, subsection  
4 ± 2, and [section 724.26](#) shall not apply to a person who is  
5 eligible to have the person's civil rights regarding firearms  
6 restored under [section 914.7](#) if any of the following occur:

7     Sec. 20. REPEAL. Sections 724.17, 724.18, 724.19, and  
8 724.20, Code 2017, are repealed.

9 DIVISION V

10 POSSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF  
11 AGE

12      Sec. 21. Section 724.22, subsection 5, Code 2017, is amended  
13 to read as follows:

14 5. a. A parent or guardian or spouse who is twenty-one  
15 years of age or older, of a person ~~fourteen years of age but~~  
16 ~~less than~~ under the age of twenty-one may allow the person,  
17 while under direct supervision, to possess a pistol or revolver  
18 or the ammunition therefor for any lawful purpose ~~while~~  
19 ~~under the direct supervision of the parent or guardian or~~  
20 ~~spouse who is twenty-one years of age or older,~~ or while the  
21 person receives instruction in the proper use thereof from an  
22 instructor twenty-one years of age or older, with the consent  
23 of such parent, guardian or spouse.

24 b. As used in this section, "direct supervision" means  
25 supervision provided by the parent, guardian, or spouse who is  
26 twenty-one years of age or older and who maintains visual and  
27 verbal contact at all times with the supervised person.

28       Sec. 22. Section 724.22, Code 2017, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 8. A parent or guardian or spouse who is  
31 twenty-one years of age or older, of a minor under the age of  
32 fourteen years who allows that minor to possess a pistol or  
33 revolver or the ammunition pursuant hereto, shall be strictly  
34 liable to an injured party for all damages resulting from the  
35 possession of the pistol or revolver or ammunition therefor by

1 that minor.

2 DIVISION VI

3 RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

4 Sec. 23. Section 724.23, Code 2017, is amended to read as  
5 follows:

6 **724.23 Records kept by commissioner and issuing officers.**

7 1. The commissioner of public safety shall maintain a  
8 permanent record of all valid permits to carry weapons and of  
9 current permit revocations.

10 2. a. Notwithstanding any other law or rule to the  
11 contrary, the commissioner of public safety and any issuing  
12 officer shall keep confidential personally identifiable  
13 information of holders of nonprofessional permits to carry  
14 weapons and permits to acquire firearms, including but not  
15 limited to the name, social security number, date of birth,  
16 residential or business address, and driver's license or other  
17 identification number of the applicant or permit holder.

18 b. This subsection shall not prohibit the release of  
19 statistical information relating to the issuance, denial,  
20 revocation, or administration of nonprofessional permits to  
21 carry weapons and permits to acquire firearms, provided that  
22 the release of such information does not reveal the identity of  
23 any individual permit holder.

24 c. This subsection shall not prohibit the release of  
25 information to any law enforcement agency or any employee or  
26 agent thereof when necessary for the purpose of investigating  
27 a possible violation of law and probable cause exists, or for  
28 conducting a lawfully authorized background investigation.

29 d. This subsection shall not prohibit the release of  
30 information relating to the validity of a professional permit  
31 to carry weapons to an employer who requires an employee or an  
32 agent of the employer to possess a professional permit to carry  
33 weapons as part of the duties of the employee or agent.

34 e. Except as provided in paragraphs "b", "c", and "d", the  
35 release of any confidential information under this section

1 shall require a court order or the consent of the person whose  
2 personally identifiable information is the subject of the  
3 information request.

4 DIVISION VII

5 STATE PREEMPTION

6 Sec. 24. Section 724.28, Code 2017, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **724.28 State preemption — prohibition of firearms, firearm**  
9 **accessories, and ammunition regulation by political subdivisions.**

10 1. The purpose of this section is to establish complete  
11 state control over firearms, firearm accessories, and  
12 ammunition regulation and policy in order to ensure that such  
13 regulation and policy is applied uniformly throughout this  
14 state to each person subject to the state's jurisdiction and to  
15 ensure protection of the right to keep and bear arms recognized  
16 by the Constitution of the United States and under the laws  
17 of this state. This section is to be liberally construed to  
18 effectuate its purpose. However, this section shall not be  
19 construed to limit the ability of a private property owner or  
20 a person in lawful possession of private property to prohibit  
21 the possession, use, carrying, or transportation of a firearm,  
22 firearm accessory, or ammunition on such property.

23 2. As used in this section:

24 *a. "Ammunition"* means fixed cartridge ammunition, shotgun  
25 shells, the individual components of fixed cartridge ammunition  
26 and shotgun shells, projectiles for muzzleloading firearms, and  
27 any propellant used in firearms or in firearms ammunition.

28 *b. "Firearm"* means a pistol, revolver, rifle, shotgun,  
29 machine gun, submachine gun, or black powder weapon which is  
30 designed to, capable of, or may be readily converted to expel a  
31 projectile by the action of an explosive.

32 *c. "Firearm accessory"* means a device specifically adapted  
33 to enable the wearing or carrying about one's person, or the  
34 storage or mounting in or on a conveyance, of a firearm, or  
35 an attachment or device specifically adapted to be inserted

1 into or affixed onto a firearm to enable, alter, or improve the  
2 functioning or capabilities of the firearm.

3     *d. "Person adversely affected"* means a person who meets all  
4 of the following criteria:

5         (1) Lawfully resides within the United States.

6         (2) Can legally possess a firearm under the laws of this  
7 state.

8         (3) Either of the following:

9             (a) Would be subject to the ordinance, measure, enactment,  
10 rule, resolution, motion, or policy at issue if the person were  
11 present within the jurisdictional boundaries of the enacting  
12 political subdivision, regardless of whether such person works,  
13 attends school, or resides in such political subdivision.

14             (b) Is a membership organization that includes as a member a  
15 person described in subparagraphs (1) and (2) and subparagraph  
16 division (a) of this subparagraph and that is dedicated in  
17 whole or in part to protecting the rights of those persons  
18 who possess, own, or use firearms for competitive, sporting,  
19 defensive, or other lawful purposes.

20     *e. "Political subdivision"* means a county, city, township,  
21 school district, regents institution, or any other subunit of  
22 this state.

23     3. Except as otherwise provided in this section, the  
24 regulation of all of the following is hereby declared to be the  
25 exclusive domain of the state:

26         *a.* Firearms, firearm accessories, and ammunition.

27         *b.* The ownership, possession, use, discharge, carrying,  
28 transportation, registration, transfer, and storage of  
29 firearms, firearm accessories, and ammunition.

30         *c.* Commerce in and taxation of firearms, firearm  
31 accessories, and ammunition.

32         *d.* Any other matter pertaining to firearms, firearm  
33 accessories, and ammunition.

34     4. An ordinance, measure, enactment, rule, resolution,  
35 motion, or policy adopted by a political subdivision, or an



1 official action taken by an employee or agent of a political  
2 subdivision, including through any legislative, police power,  
3 or proprietary capacity, in violation of this section is void.

4 5. This section shall not be construed to prevent any of the  
5 following:

6 a. A duly organized law enforcement agency of a political  
7 subdivision from adopting and enforcing rules pertaining to  
8 firearms, firearm accessories, or ammunition issued to or used  
9 by peace officers in the course of their official duties.

10 b. An employer from regulating or prohibiting an employee  
11 from carrying or possessing firearms, firearm accessories, or  
12 ammunition during and in the course of the employee's official  
13 duties.

14 c. A court or administrative law judge from hearing and  
15 resolving a case or controversy or issuing an opinion or order  
16 on a matter within the court's or judge's jurisdiction.

17 d. The enactment or enforcement of a generally applicable  
18 zoning or business ordinance that includes firearms businesses  
19 along with other businesses, provided that an ordinance  
20 designed or enforced to effectively restrict or prohibit the  
21 sale, purchase, transfer, manufacture, or display of firearms,  
22 firearm accessories, or ammunition otherwise lawful under the  
23 laws of this state, which is in conflict with this section, is  
24 void.

25 e. A political subdivision from adopting or enforcing rules  
26 of operation and use for any shooting range owned or operated  
27 by the political subdivision.

28 f. A political subdivision that sponsors or conducts any  
29 firearm-related competition or educational or cultural program  
30 from adopting rules for participation in or attendance at such  
31 a program.

32 g. (1) A law enforcement center, jail, municipal holding  
33 facility, correctional institution or facility, community-based  
34 correctional facility, or other security sensitive area  
35 including a courtroom from adopting rules prohibiting the

1 possession of a firearm.

2     (2) This paragraph shall not be construed to permit  
3 the judicial branch or a judicial officer to regulate the  
4 possession of a firearm outside of the areas primarily used by  
5 the judicial branch or courts.

6     6. *a.* A political subdivision or employee or agent of a  
7 political subdivision that violates the state's occupation of  
8 the whole field of regulation of firearms, firearm accessories,  
9 and ammunition, as declared in this section, by adopting or  
10 enforcing an ordinance, measure, enactment, rule, resolution,  
11 motion, or policy impacting such occupation of the field shall  
12 be liable as provided in this section.

13     *b.* If a political subdivision violates this subsection,  
14 the court shall declare the ordinance, measure, enactment,  
15 rule, resolution, motion, or policy void and issue a permanent  
16 injunction against the political subdivision prohibiting  
17 enforcement of such ordinance, measure, enactment, rule,  
18 resolution, motion, or policy. It is not a defense that the  
19 political subdivision was acting in good faith or upon the  
20 advice of counsel.

21     7. A person adversely affected by an ordinance, measure,  
22 enactment, rule, resolution, motion, or policy adopted or  
23 enforced in violation of this section may file suit in the  
24 appropriate court for declarative and injunctive relief and  
25 for damages. A court shall award reasonable attorney fees and  
26 costs to the prevailing plaintiff in any such suit.

27                                   DIVISION VIII

28             PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

29     Sec. 25. Section 8A.322, subsection 3, Code 2017, is amended  
30 to read as follows:

31     3. The director shall establish, publish, and enforce rules  
32 regulating and restricting the use by the public of the capitol  
33 buildings and grounds and of the state laboratories facility  
34 in Ankeny. The rules when established shall be posted in  
35 conspicuous places about the capitol buildings and grounds and

1 the state laboratories facility, as applicable. Any person  
2 violating any rule, except a parking regulation, shall be  
3 guilty of a simple misdemeanor. This subsection shall not  
4 be construed to allow the director to prohibit the carrying,  
5 transportation, or possession of any pistol or revolver in or  
6 on any capitol buildings or grounds including in or on the  
7 state capitol or grounds when the carrying, transportation, or  
8 possession is otherwise lawful under the laws of this state.

9 DIVISION IX

10 EMERGENCY POWERS

11 Sec. 26. Section 29C.3, subsection 4, paragraph e, Code  
12 2017, is amended by striking the paragraph.

13 Sec. 27. Section 29C.6, subsection 16, Code 2017, is amended  
14 to read as follows:

15 16. Suspend or limit the sale, dispensing, or  
16 transportation of alcoholic beverages, ~~firearms~~, explosives,  
17 and combustibles.

18 Sec. 28. NEW SECTION. 29C.25 Firearms and ammunition —  
19 limitations — exceptions — remedies.

20 1. This chapter shall not be construed to authorize the  
21 governor or any other official of this state or any of its  
22 political subdivisions or any agent or person acting at the  
23 direction of the governor or any such official to do any of the  
24 following:

25 a. Prohibit, regulate, or curtail the otherwise lawful  
26 possession, carrying, transportation, transfer, or defensive  
27 use of firearms or ammunition.

28 b. Suspend or revoke, except in accordance with section  
29 724.13, a permit issued pursuant to section 724.6, 724.7, or  
30 724.15.

31 c. Seize or confiscate firearms and ammunition possessed in  
32 accordance with the laws of this state.

33 2. This section shall not prohibit any of the following:

34 a. The temporary closure or limitations on the operating  
35 hours of businesses that sell firearms or ammunition if the



1 safety of a third party, ~~or requires one to abandon or retreat~~  
2 ~~from one's dwelling or place of business or employment.~~

3     3. A person may be wrong in the estimation of the danger or  
4 the force necessary to repel the danger as long as there is a  
5 reasonable basis for the belief of the person and the person  
6 acts reasonably in the response to that belief.

7     4. A person who is not engaged in illegal activity has no  
8 duty to retreat from any place where the person is lawfully  
9 present before using force as specified in this chapter.  
10 A finder of fact shall not be permitted to consider the  
11 possibility of retreat as a factor in determining whether or  
12 not a person who used force reasonably believed that the force  
13 was necessary to prevent injury, loss, or risk to life or  
14 safety.

15     Sec. 30. Section 704.2, Code 2017, is amended by adding the  
16 following new subsection:

17     NEW SUBSECTION. 1A. A threat to cause serious injury  
18 or death, by the production, display, or brandishing of a  
19 deadly weapon, is not deadly force, as long as the actions of  
20 the person are limited to creating an expectation that the  
21 person may use deadly force to defend oneself, another, or as  
22 otherwise authorized by law.

23     Sec. 31. NEW SECTION. **704.2A Justifiable use of deadly**  
24 **force.**

25     1. For purposes of this chapter, a person is presumed to  
26 reasonably believe that deadly force is necessary to avoid  
27 injury or risk to one's life or safety or the life or safety of  
28 another in either of the following circumstances:

29     a. The person against whom force is used, at the time the  
30 force is used, is doing any of the following:

31         (1) Unlawfully entering by force or stealth, or has  
32 unlawfully entered by force or stealth and remains within the  
33 dwelling, place of business or employment, or occupied vehicle  
34 of the person using force.

35         (2) Unlawfully removing or is attempting to unlawfully

1 remove another person against the other person's will from the  
2 dwelling, place of business or employment, or occupied vehicle  
3 of the person using force.

4     *b.* The person using force knows or has reason to believe  
5 that any of the conditions set forth in paragraph "a" are  
6 occurring or have occurred.

7     2. The presumption set forth in subsection 1 does not  
8 apply if, at the time force is used, any of the following  
9 circumstances are present:

10     *a.* The person using defensive force is engaged in a  
11 criminal offense, is attempting to escape from the scene of a  
12 criminal offense that the person has committed, or is using the  
13 dwelling, place of business or employment, or occupied vehicle  
14 to further a criminal offense.

15     *b.* The person sought to be removed is a child or grandchild  
16 or is otherwise in the lawful custody or under the lawful  
17 guardianship of the person against whom force is used.

18     *c.* The person against whom force is used is a peace officer  
19 who has entered or is attempting to enter a dwelling, place  
20 of business or employment, or occupied vehicle in the lawful  
21 performance of the peace officer's official duties, and the  
22 person using force knows or reasonably should know that the  
23 person who has entered or is attempting to enter is a peace  
24 officer.

25     *d.* The person against whom the force is used has the right  
26 to be in, or is a lawful resident of, the dwelling, place of  
27 business or employment, or occupied vehicle of the person using  
28 force, and a protective or no-contact order is not in effect  
29 against the person against whom the force is used.

30     Sec. 32. Section 704.3, Code 2017, is amended to read as  
31 follows:

32     **704.3 Defense of self or another.**

33     A person is justified in the use of reasonable force when  
34 the person reasonably believes that such force is necessary to  
35 defend oneself or another from any actual or imminent use of

1 unlawful force.

2 Sec. 33. NEW SECTION. 704.4A Immunity for justifiable use  
3 of force.

4 1. As used in this section, "*criminal prosecution*" means  
5 arrest, detention, charging, or prosecution.

6 2. A person who uses reasonable force pursuant to this  
7 chapter shall be immune from any criminal prosecution or civil  
8 action for using such force.

9 3. A law enforcement agency may use standard investigating  
10 procedures for investigating the use of force, but the law  
11 enforcement agency shall not arrest a person for using force  
12 unless the law enforcement agency determines there is probable  
13 cause that the force was unlawful under this chapter.

14 4. The court shall award reasonable attorney fees, court  
15 costs, compensation for loss of income, and all expenses  
16 incurred by the defendant in defense of any civil action  
17 brought by the plaintiff if the court finds that the defendant  
18 is immune from prosecution as provided in subsection 2.

19 Sec. 34. Section 704.7, Code 2017, is amended to read as  
20 follows:

21 704.7 Resisting ~~forcible~~ violent felony.

22 1. As used in this section, "*violent felony*" means any  
23 felonious sexual abuse involving compulsion or the use of a  
24 weapon or any felonious assault, murder, kidnapping, robbery,  
25 arson, or burglary.

26 2. A person who ~~knows~~ reasonably believes that a ~~forcible~~  
27 violent felony is being or will imminently be perpetrated is  
28 justified in using, ~~against the perpetrator,~~ reasonable force,  
29 including deadly force, against the perpetrator or perpetrators  
30 to prevent the completion of or terminate the perpetration of  
31 that felony.

32 Sec. 35. REPEAL. Section 707.6, Code 2017, is repealed.

33 DIVISION XI

34 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION

35 Sec. 36. NEW SECTION. 724.29A Fraudulent purchase of

1 firearms or ammunition.

2 1. For purposes of this section:

3 a. "*Ammunition*" means any cartridge, shell, or projectile  
4 designed for use in a firearm.

5 b. "*Licensed firearms dealer*" means a person who is licensed  
6 pursuant to 18 U.S.C. §923 to engage in the business of dealing  
7 in firearms.

8 c. "*Materially false information*" means information that  
9 portrays an illegal transaction as legal or a legal transaction  
10 as illegal.

11 d. "*Private seller*" means a person who sells or offers for  
12 sale any firearm or ammunition.

13 2. A person who knowingly solicits, persuades, encourages,  
14 or entices a licensed firearms dealer or private seller of  
15 firearms or ammunition to transfer a firearm or ammunition  
16 under circumstances that the person knows would violate the  
17 laws of this state or of the United States commits a class "D"  
18 felony.

19 3. A person who knowingly provides materially false  
20 information to a licensed firearms dealer or private seller of  
21 firearms or ammunition with the intent to deceive the firearms  
22 dealer or seller about the legality of a transfer of a firearm  
23 or ammunition commits a class "D" felony.

24 4. A person who willfully procures another to engage in  
25 conduct prohibited by this section shall be held accountable  
26 as a principal.

27 5. This section does not apply to a law enforcement officer  
28 acting in the officer's official capacity or to a person acting  
29 under the direction of such law enforcement officer.

30 DIVISION XII

31 SNOWMOBILES AND ALL-TERRAIN VEHICLES

32 Sec. 37. Section 321G.13, subsection 2, Code 2017, is  
33 amended to read as follows:

34 2. a. A person shall not operate or ride a snowmobile with  
35 a firearm in the person's possession unless it is unloaded and



1 enclosed in a carrying case, except as otherwise provided.

2 However, a nonambulatory person may carry an uncased and  
3 unloaded firearm while operating or riding a snowmobile.

4     b. (1) A person may operate or ride on a snowmobile with a  
5 loaded firearm, whether concealed or not, without a permit to  
6 carry weapons, if the person operates or rides on land owned or  
7 possessed by the person, and the person's conduct is otherwise  
8 lawful.

9     (2) If a person is operating or riding on a snowmobile on  
10 land that is not owned or possessed by the person, the person  
11 may operate or ride the snowmobile with a loaded ~~firearm~~ pistol  
12 or revolver, whether concealed or not, ~~if all of the following~~  
13 ~~apply:~~

14     ~~(a) The firearm is a pistol or revolver and is secured in a~~  
15 ~~retention holster upon the person.~~

16     ~~(b) The person has in the person's possession and displays~~  
17 ~~to a peace officer on demand a valid permit to carry weapons~~  
18 ~~which has been issued to the person.~~

19     ~~(c) The person's conduct is within the limits of the permit~~  
20 ~~to carry weapons~~ and the person's conduct is otherwise lawful.

21     c. A person shall not discharge a firearm while on a  
22 snowmobile, except that a nonambulatory person may discharge a  
23 firearm from a snowmobile while lawfully hunting if the person  
24 is not operating or riding a moving snowmobile.

25     Sec. 38. Section 321I.14, subsection 2, Code 2017, is  
26 amended to read as follows:

27     2. a. A person shall not operate or ride an all-terrain  
28 vehicle with a firearm in the person's possession unless it is  
29 unloaded and enclosed in a carrying case, except as otherwise  
30 provided. However, a nonambulatory person may carry an uncased  
31 and unloaded firearm while operating or riding an all-terrain  
32 vehicle.

33     b. (1) A person may operate or ride on an all-terrain  
34 vehicle with a loaded firearm, whether concealed or not,  
35 without a permit to carry weapons, if the person operates

1 or rides on land owned or possessed by the person, and the  
2 person's conduct is otherwise lawful.

3 (2) If a person is operating or riding on an all-terrain  
4 vehicle on land that is not owned or possessed by the person,  
5 the person may operate or ride the all-terrain vehicle with a  
6 loaded ~~firearm~~ pistol or revolver, whether concealed or not,  
7 ~~if all of the following apply:~~

8 ~~(a) The firearm is a pistol or revolver and is secured in a~~  
9 ~~retention holster upon the person.~~

10 ~~(b) The person has in the person's possession and displays~~  
11 ~~to a peace officer on demand a valid permit to carry weapons~~  
12 ~~which has been issued to the person.~~

13 ~~(c) The person's conduct is within the limits of the permit~~  
14 ~~to carry weapons and the person's conduct is otherwise lawful.~~

15 c. A person shall not discharge a firearm while on an  
16 all-terrain vehicle, except that a nonambulatory person may  
17 discharge a firearm from an all-terrain vehicle while lawfully  
18 hunting if the person is not operating or riding a moving  
19 all-terrain vehicle.

20 DIVISION XIII

21 EFFECTIVE DATE AND APPLICABILITY PROVISIONS

22 Sec. 39. EFFECTIVE UPON ENACTMENT. The following  
23 provision or provisions of this Act, being deemed of immediate  
24 importance, take effect upon enactment:

25 1. The section of this Act amending section 724.22.

26 2. The section of this Act amending section 724.23.

27 3. The applicability section of this division of this Act  
28 related to amending section 724.23.

29 Sec. 40. APPLICABILITY — RECORDS KEPT BY COMMISSIONER —  
30 CONFIDENTIALITY. The section of this Act amending section  
31 724.23 applies to holders of nonprofessional permits to carry  
32 weapons and permits to acquire firearms and to applicants for  
33 nonprofessional permits to carry weapons and permits to acquire  
34 firearms on or after the effective date of that section of this  
35 Act.

1       Sec. 41.   APPLICABILITY — PREEMPTION.   The provisions  
2 of this Act apply to any ordinance, measure, enactment,  
3 rule, resolution, motion, or policy adopted by a political  
4 subdivision of this state or to official actions taken by an  
5 employee or agent of such political subdivision, on or after  
6 July 1, 2017.   However, the penalties and remedies prescribed  
7 under section 724.28, subsection 6, as enacted in this Act,  
8 shall first be imposed ninety days after the effective date of  
9 that section of this Act to provide political subdivisions an  
10 opportunity to comply with the provisions of this Act.

11       Sec. 42. APPLICABILITY OF PERMIT TO ACQUIRE ISSUED PRIOR  
12 TO EFFECTIVE DATE. A permit to acquire issued under the  
13 provisions of chapter 724, Code 2017, prior to July 1, 2017,  
14 shall be considered a valid permit to acquire as long as the  
15 permit has not expired unless the person becomes ineligible to  
16 acquire a pistol or revolver.

### EXPLANATION

18           The inclusion of this explanation does not constitute agreement with  
19           the explanation's substance by the members of the general assembly.

20 This bill relates to offensive and dangerous weapons, and  
21 the use of force, including carrying, possessing, and acquiring  
22 weapons, and the purchase and regulation of such weapons and  
23 includes effective date and applicability provisions. The bill  
24 is organized into divisions.

25 DIVISION I — OFFENSIVE WEAPONS. The bill strikes  
26 the prohibition on possessing a short-barreled rifle or  
27 a short-barreled shotgun. Under current law, a person  
28 who possesses such a weapon commits a class "D" felony.  
29 Federal law in 18 U.S.C. §922 governs the regulation of a  
30 short-barreled rifle or short-barreled shotgun.

DIVISION II — CARRYING WEAPONS AND POSSESSION OF WEAPONS.  
The bill amends Code section 724.4 by striking the current  
penalty for carrying dangerous weapons. Instead, the bill  
creates a new crime of going armed with a knife in the  
commission of a crime, an aggravated misdemeanor. The bill

1 makes a conforming change to Code section 232.52, subsection  
2 2, relating to the suspension or revocation of a juvenile's  
3 driver's license or operating privilege.

4 The bill amends Code section 724.4B relating to carrying  
5 weapons on school grounds due to the strike of Code section  
6 724.4 in the bill. The amendment to Code section 724.4B  
7 preserves current law by keeping the general prohibition on  
8 carrying weapons on school grounds but inserts the exceptions  
9 to carrying weapons on school grounds previously contained in  
10 Code section 724.4.

11 The bill amends Code section 724.4C relating to the crime of  
12 possession or carrying of firearms while under the influence  
13 of alcohol or a drug. Current law invalidates a permit to  
14 carry weapons if the person to whom the permit is issued is  
15 intoxicated, as defined in Code section 321J.2, subsection 1  
16 (while under the influence of an alcoholic beverage or other  
17 drug or a combination of such substances, while having an  
18 alcohol concentration of .08 or more, or while any amount of a  
19 controlled substance is present in the person, as measured in  
20 the person's blood or urine). The bill amends this provision  
21 to provide that a person commits a serious misdemeanor if  
22 the person is intoxicated and the person either carries a  
23 dangerous weapon on or about the person or carries a dangerous  
24 weapon within the person's immediate access or reach while in  
25 a vehicle. This crime does not apply to situations where a  
26 person carries or possesses a dangerous weapon while in the  
27 person's own dwelling, place of business, or on the person's  
28 land, or the transitory possession or use of a firearm during  
29 an act of justified self-defense or justified defense of  
30 another, if the possession of the firearm lasts no longer than  
31 immediately necessary to resolve the emergency.

32 The bill strikes Code section 724.5 relating to a person's  
33 duty to carry a valid permit to carry certain weapons for  
34 which a permit has been issued to the person and replaces that  
35 Code section with language providing that the availability

1 of a professional or nonprofessional permit to carry weapons  
2 shall not be construed to impose a general prohibition on the  
3 unlicensed carrying of a dangerous weapon including a loaded  
4 firearm. However, the bill provides that a person shall  
5 be prohibited from unlicensed carrying, whether openly or  
6 concealed, of a dangerous weapon, including a loaded firearm,  
7 unless the person has completed a firearm safety training  
8 program described under Code section 724.9(1), which is also  
9 amended by the bill. A person who commits the unlicensed  
10 carrying of weapons without having completed a firearm safety  
11 training program commits a simple misdemeanor punishable as  
12 a scheduled fine in the amount of \$1,000. However, the bill  
13 provides that a person cited for a violation of Code section  
14 724.9, subsection 2, who produces to the clerk of the district  
15 court prior to the date of the person's court appearance as  
16 indicated on the citation proof that the person has completed a  
17 firearm safety training program described under Code section  
18 724.9, subsection 1, shall not be convicted of a violation of  
19 Code section 724.9, subsection 2, and the citation issued shall  
20 be dismissed by the court. Upon dismissal, the court shall  
21 assess the costs of the action against the person named on the  
22 citation.

23 The bill amends Code section 708.8, the crime of going  
24 armed with a dangerous weapon with intent, a class "D" felony,  
25 to provide that the intent element required for a violation  
26 of this crime shall not be inferred from the mere carrying  
27 or concealment of a dangerous weapon. "Dangerous weapon"  
28 is defined in Code section 702.7 for purposes of use in the  
29 criminal code.

30 DIVISION III — PERMIT TO CARRY WEAPONS AND FIREARM SAFETY  
31 TRAINING. The bill modifies the current nonprofessional permit  
32 to carry weapons process, the duration of the permit, and the  
33 firearm safety training required to obtain such a permit.

34 Under current law, a permit to carry weapons is valid for  
35 five years from the date of issuance. The bill specifies

1 that any permit to carry weapons issued on or after July  
2 1, 2017, shall be valid for the life of the permit holder.  
3 The bill states that a permit to carry weapons issued after  
4 July 1, 2017, shall be valid three days after the date of an  
5 application for a permit to carry weapons.

6 For an applicant's initial nonprofessional permit to carry  
7 weapons, the bill and current law require the applicant to  
8 demonstrate knowledge of firearm safety by any of the following  
9 means: completion of any national rifle association handgun  
10 safety training course; completion of any handgun safety  
11 training course available to the general public offered by a  
12 law enforcement agency, community college, college, private  
13 or public institution or organization, or firearms training  
14 school; completion of any handgun safety training course  
15 offered for security guards, investigators, special deputies,  
16 or law or security enforcement approved by the department of  
17 public safety; completion of small arms training while serving  
18 with the armed forces of the United States as evidenced by  
19 any of the following; or completion of a law enforcement  
20 agency firearm safety training course that qualifies a peace  
21 officer to carry a firearm in the normal course of the peace  
22 officer's duties. The bill specifies that the handgun safety  
23 training course may be conducted over the internet in a live or  
24 web-based format, if completion of the course is verified by  
25 the instructor or provider of the course.

26 Under the bill, for an initial permit to carry weapons,  
27 firearm safety training is required and evidence of such  
28 training may be documented by any of the following means: a  
29 photocopy of a certificate of completion or similar document  
30 showing completion of the class or course within 24 months  
31 prior to the date of the application; an affidavit from the  
32 instructor, school, or organization, or group that taught the  
33 course that was completed within 24 months prior to the date  
34 of the application; possession of an honorable discharge or  
35 general discharge under honorable conditions issued at any

1 time prior to the application; or possession of a certificate  
2 of completion of basic training with a service record of  
3 successful completion of small arms training issued prior to  
4 the date of the application.

5 The bill provides that firearm safety training shall not be  
6 required for renewals of permits to carry weapons issued after  
7 December 31, 2010.

8 The bill specifies that the permit to carry weapons shall  
9 have a uniform appearance, size, and uniform content prescribed  
10 and published by the commissioner of public safety.

11 The fees for an initial permit to carry weapons remain at  
12 \$50, and the renewal fee remains at \$25.

13 DIVISION IV — ACQUIRING PISTOLS OR REVOLVERS AND PROHIBITED  
14 TRANSFERS OF FIREARMS. Current law provides that any person  
15 who intends to purchase a pistol or revolver is required to  
16 first obtain an annual permit to acquire pistols or revolvers  
17 unless the person is otherwise exempt from obtaining such  
18 a permit. It is the intent of the bill to satisfy federal  
19 requirements of 18 U.S.C. §922(t)(3) in order to acquire a  
20 pistol or revolver. The bill provides that as of July 1, 2017,  
21 the state shall no longer issue a permit to acquire. In order  
22 to acquire a pistol or revolver from a federally licensed  
23 firearms dealer, a person is required to have a valid permit  
24 to carry weapons issued in accordance with Code chapter 724,  
25 or if the permit does not satisfy federal requirements, the  
26 person must complete a satisfactory national instant criminal  
27 background check pursuant to 18 U.S.C. §922(t). The bill  
28 provides that a valid permit to carry weapons or license issued  
29 by another state to any nonresident of this state does not  
30 satisfy the requirements to acquire a pistol or revolver in  
31 this state.

32 Under the bill, a person is not eligible to acquire a  
33 pistol or revolver if the person is less than 21 years of age,  
34 is prohibited by Code section 724.26 (felon in possession  
35 of a firearm), federal law, or court order from possessing,

1 shipping, transporting, or receiving a firearm.

2 By striking the requirement to obtain a permit to acquire a  
3 pistol or revolver, and moving certain requirements to acquire  
4 a pistol or revolver into Code section 724.15 as amended in the  
5 bill, the bill repeals Code sections 724.17 (application for  
6 annual permit to acquire — criminal history check required),  
7 724.18 (procedure for making application for annual permit  
8 to acquire), 724.19 (issuance of annual permit to acquire),  
9 and 724.20 (validity of annual permit to acquire pistols or  
10 revolvers).

11 The bill provides a permit to acquire a pistol or revolver  
12 issued under Code chapter 724 (2017) prior to July 1, 2017,  
13 shall be considered a valid permit to acquire as long as the  
14 permit has not expired unless the person becomes ineligible to  
15 acquire a pistol or revolver.

16 The bill does not change current law which provides a person  
17 who gives a false name or presents false identification, or  
18 otherwise knowingly gives false material information to one  
19 from whom the person seeks to acquire a pistol or revolver,  
20 commits a class "D" felony.

21 The bill, in Code section 724.15, provides that a permit to  
22 acquire firearms issued prior to July 1, 2017, may be suspended  
23 or revoked by the issuing officer and the aggrieved permit  
24 holder may file an appeal with an administrative law judge.

25 The bill strikes the language of current Code section  
26 724.16, relating to transferring a pistol or revolver to a  
27 person without a permit or acquiring a pistol or revolver  
28 without a permit and substitutes language prohibiting the  
29 transfer of a firearm to another person who does not possess a  
30 permit if the person knows or reasonably should know the person  
31 is prohibited from receiving or possessing a firearm under Code  
32 section 724.26 or federal law. The bill also provides that a  
33 person shall not loan or rent a firearm to another person for  
34 temporary use during lawful activities if the person knows or  
35 reasonably should know the person is prohibited from receiving



1 or possessing a firearm under Code section 724.26 or federal  
2 law. A person who violates this provision commits a class "D"  
3 felony.

4 The bill makes a conforming change to Code section 724.27  
5 relating to the restoration of firearms rights.

6 DIVISION V — POSSESSION OF PISTOLS AND REVOLVERS BY PERSONS  
7 UNDER 14 YEARS OF AGE — EFFECTIVE DATE. Under the bill, a  
8 parent or guardian or spouse who is 21 years of age or older,  
9 or another with the consent of the minor's parent or guardian  
10 or spouse who is 21 years of age or older, may allow a person  
11 under 21 years of age to possess a pistol or revolver or the  
12 ammunition therefor, while under direct supervision, which  
13 then may be lawfully used. Current law prohibits a parent  
14 or guardian or spouse who is 21 years of age or older from  
15 allowing a person under 14 years of age from possessing a  
16 pistol or revolver or the ammunition. This provision takes  
17 effect upon enactment.

18 The bill defines "direct supervision" to mean supervision  
19 provided by the parent, guardian, or spouse who is 21 years of  
20 age or older and who maintains visual and verbal contact at all  
21 times with the supervised person.

22 Except for the circumstances under Code section 724.22(4)  
23 (security personnel) or this bill, a person who sells, loans,  
24 gives, or makes available a pistol or revolver or ammunition  
25 for a pistol or revolver to a person below the age of 21 commits  
26 a serious misdemeanor for a first offense and a class "D"  
27 felony for second and subsequent offenses.

28 The bill provides that a parent or guardian who is 21 years  
29 of age or older, of a minor under the age of 14 years, who  
30 allows that minor to possess a pistol or revolver or the  
31 ammunition, shall be strictly liable to an injured party for  
32 all damages resulting from the possession of the pistol or  
33 revolver or ammunition by the minor.

34 A serious misdemeanor is punishable by confinement for no  
35 more than one year and a fine of at least \$315 but not more than

1 \$1,875. A class "D" felony is punishable by confinement for no  
2 more than five years and a fine of at least \$750 but not more  
3 than \$7,500.

4 DIVISION VI — RECORDS KEPT BY COMMISSIONER —  
5 CONFIDENTIALITY — EFFECTIVE DATE AND APPLICABILITY. Current  
6 law requires the commissioner of public safety to maintain a  
7 permanent record of all valid permits to carry weapons and of  
8 current permit revocations.

9 The bill provides in Code section 724.23 that,  
10 notwithstanding any other law or rule to the contrary, the  
11 commissioner of public safety and any issuing officer (county  
12 sheriff) shall keep confidential personally identifiable  
13 information of holders of nonprofessional permits to carry  
14 weapons and permits to acquire firearms. The release of any  
15 confidential information, except as otherwise provided in the  
16 bill, requires a court order or the consent of the person  
17 whose personally identifiable information is the subject of  
18 the information request. The bill does not prohibit release  
19 of statistical information relating to the issuance, denial,  
20 revocation, or administration of nonprofessional permits  
21 to carry weapons and permits to acquire firearms if such  
22 information does not reveal the identity of any individual  
23 permit holder, the release of information to a law enforcement  
24 agency investigating a violation of law where probable cause  
25 exists, the release for purposes of conducting a background  
26 check, or the release of information relating to the validity  
27 of a professional permit to carry weapons to an employer who  
28 requires an employee or an agent of the employer to possess  
29 a professional permit to carry weapons as part of the duties  
30 of the employee or agent. This provision applies to holders  
31 of nonprofessional permits to carry weapons and permits to  
32 acquire firearms and to applicants for nonprofessional permits  
33 to carry weapons and permits to acquire firearms on or after  
34 the effective date of this provision of the bill.

35 The provision in this division of the bill relating to the

1 confidentiality of personally identifiable information of  
2 holders of nonprofessional permits to carry weapons and permits  
3 to acquire firearms takes effect upon enactment.

4     DIVISION VII — STATE PREEMPTION — APPLICABILITY. Current  
5 Code section 724.28 prohibits a political subdivision  
6 of the state from enacting an ordinance restricting the  
7 ownership, possession, legal transfer, lawful transportation,  
8 registration, or licensing of firearms when the ownership,  
9 possession, transfer, or transportation is otherwise lawful  
10 under state law.

11     The bill strikes this Code section and provides that the  
12 regulation of firearms, firearm accessories, and ammunition  
13 is declared to be the exclusive domain of the state. The  
14 bill provides that an ordinance, measure, enactment, rule,  
15 resolution, motion, or policy of a political subdivision of  
16 this state, or an official action of an employee or agent of  
17 such political subdivision, including through any legislative,  
18 police power, or proprietary capacity, in violation of the bill  
19 is void.

20     The bill defines "political subdivision" to mean a county,  
21 city, township, school district, community college, regents  
22 institution, or any other subunit of the state.

23     The bill shall not be construed to prevent a law enforcement  
24 agency of a political subdivision from adopting and enforcing  
25 rules pertaining to firearms, firearm accessories, or  
26 ammunition issued to or used by peace officers in the course  
27 of their official duties; an employer from regulating or  
28 prohibiting an employee from carrying or possessing firearms,  
29 firearm accessories, or ammunition during and in the course  
30 of the employee's official duties; a court or administrative  
31 law judge from hearing and resolving a case or controversy  
32 or issuing an opinion or order on a matter within the  
33 court's or the judge's jurisdiction; enacting or enforcing  
34 a generally applicable zoning or business ordinance that  
35 includes firearms businesses along with other businesses,

1 provided that an ordinance which is designed or enforced to  
2 effectively restrict or prohibit the sale, purchase, transfer,  
3 manufacture, or display of firearms, firearm accessories, or  
4 ammunition otherwise lawful under the laws of this state,  
5 which is in conflict with the bill, is void; a political  
6 subdivision from adopting or enforcing rules of operation and  
7 use for a shooting range owned or operated by the political  
8 subdivision; a political subdivision that sponsors or conducts  
9 any firearm-related competition or educational or cultural  
10 program from adopting rules of attendance for such a program;  
11 and a law enforcement center, jail, correctional institution  
12 or facility, community-based correctional facility, or other  
13 security-sensitive area including areas primarily used by the  
14 courts from adopting rules prohibiting the possession of a  
15 firearm, except the judicial branch or a judicial officer shall  
16 not regulate the possession of a firearm outside of the area  
17 primarily used by the judicial branch or the courts.

18 The bill provides that if a political subdivision violates  
19 the bill, the court shall declare the ordinance, measure,  
20 enactment, rule, resolution, motion, or policy void and issue  
21 a permanent injunction against the political subdivision  
22 prohibiting enforcement of such ordinance, measure, enactment,  
23 rule, resolution, motion, or policy. It is not a defense that  
24 the political subdivision was acting in good faith or upon the  
25 advice of counsel.

26 The bill provides that a person adversely affected by an  
27 ordinance, measure, enactment, rule, resolution, motion, or  
28 policy adopted or enforced in violation of the bill may file  
29 suit in the appropriate court for declarative and injunctive  
30 relief and for damages and may, if successful, be awarded  
31 reasonable attorney fees and costs.

32 This division of the bill applies to any ordinance, measure,  
33 enactment, rule, resolution, motion, or policy adopted by a  
34 political subdivision of this state or to official actions  
35 taken by an employee or agent of such political subdivision,

1 on or after July 1, 2017. However, the penalties and remedies  
2 prescribed under section 724.28, subsection 6, as enacted  
3 in this Act, shall first be imposed ninety days after the  
4 effective date of that section of this Act to provide political  
5 subdivisions an opportunity to comply with the provisions of  
6 this Act.

7 DIVISION VIII — PISTOLS OR REVOLVERS — CAPITOL BUILDINGS  
8 AND GROUNDS. The bill amends current law relating to the  
9 authority of the director of the department of administrative  
10 services to regulate and restrict the use by the public of  
11 the capitol buildings and grounds. The bill provides that  
12 this authority shall not be construed to allow the director to  
13 prohibit the carrying, transportation, or possession of any  
14 pistol or revolver in or on any capitol buildings or grounds,  
15 including in or on the state capitol or grounds, when the  
16 carrying, transportation, or possession is otherwise lawful  
17 under the laws of this state.

18 State Capitol complex buildings include the State  
19 Capitol, Ola Babcock Miller, public safety, Lucas, workforce  
20 development, fleet, Jesse Parker, Grimes, Hoover, Wallace,  
21 state historical, judicial branch, and Iowa utilities  
22 board/office of consumer advocate buildings, central utilities  
23 plant, facilities management center, and parking structure.

24 DIVISION IX — EMERGENCY POWERS. The bill provides that  
25 Code chapter 29C, relating to a public disorder or disaster  
26 emergency proclamation by the governor, shall not be construed  
27 to authorize the governor or any other official of this  
28 state or any of its political subdivisions acting at the  
29 direction of the governor or other official to prohibit,  
30 regulate, or curtail the otherwise lawful possession, carrying,  
31 transportation, transfer, or defensive use of firearms or  
32 ammunition; to suspend or revoke a permit to carry or acquire,  
33 except as otherwise authorized under Code sections 724.6  
34 (professional permit to carry), 724.7 (nonprofessional permit  
35 to carry), and 724.15 (permit to acquire); or to seize or

1 confiscate firearms or ammunition possessed in accordance with  
2 state law.

3     The bill does not prohibit the temporary closure or  
4 limitations on the operating hours of businesses that sell  
5 firearms or ammunition if the same operating restrictions  
6 apply to all businesses in the affected area or the adoption  
7 or enforcement of regulations pertaining to firearms used or  
8 carried for official purposes by law enforcement officers or  
9 persons acting under the authority of emergency management  
10 agencies or officials.

11     The bill allows a person aggrieved by a violation of these  
12 emergency powers provisions of the bill to seek relief in an  
13 action at law or in equity or in any other proper proceeding  
14 for actual damages, injunctive relief, or other appropriate  
15 redress, including court costs and attorney fees, against a  
16 person who commits or causes the commission of such violation.  
17 In addition to any other remedy available at law or in equity,  
18 a person aggrieved by the seizure or confiscation of a firearm  
19 or ammunition in violation of the bill may file an application  
20 pursuant to Code section 809.3 for its return in the office of  
21 the clerk of court for the county in which the property was  
22 seized. Court costs and attorney fees shall be awarded to a  
23 prevailing plaintiff under these emergency powers provisions.

24     The bill makes conforming changes to Code sections 29C.3 and  
25 29C.6 relating to the governor's authority under current law to  
26 prohibit the possession of firearms or any other deadly weapon  
27 by a person other than at that person's place of residence  
28 or business and to suspend or limit the sale, dispensing, or  
29 transportation of firearms.

30     DIVISION X — JUSTIFIABLE USE OF REASONABLE AND DEADLY  
31 FORCE. Current law provides that a person may use reasonable  
32 force, including deadly force, even if an alternative course of  
33 action is available if the alternative entails a risk of life  
34 or safety, or the life or safety of a third party, or requires  
35 one to abandon or retreat from one's residence or place of

1 business or employment.

2 The bill provides that a person may use reasonable force,  
3 including deadly force, if it is reasonable to believe such  
4 force is necessary to avoid injury or risk to one's life or  
5 safety or the life or safety of another, even if an alternative  
6 course of action is available if the alternative entails a risk  
7 to life or safety, or the life or safety of a third party.

8 The bill provides that a person may be wrong in the  
9 estimation of the danger or the force necessary to repel the  
10 danger as long as there is a reasonable basis for the belief  
11 and the person acts reasonably in the response to that belief.

12 The bill further provides that a person who is not engaged in  
13 an illegal activity has no duty to retreat from any place where  
14 the person is lawfully present before using force. The bill  
15 prohibits a finder of fact from considering the possibility of  
16 retreat as a factor in determining whether or not a person who  
17 used force reasonably believed that the force was necessary to  
18 prevent injury, loss, or risk to life or safety.

19 The bill provides that a threat to cause serious injury  
20 or death by the production, display, or brandishing of a  
21 deadly weapon, is not deadly force, as long as the actions of  
22 the person are limited to creating an expectation that the  
23 person may use deadly force to defend oneself, another, or as  
24 otherwise authorized by law.

25 The bill creates presumptions for the justifiable use of  
26 deadly force in certain circumstances.

27 Under the bill, a person is presumed to be justified in using  
28 deadly force if the person reasonably believes, at the time the  
29 force is used, that deadly force is necessary to avoid injury  
30 or risk to one's life or safety or the life or safety of another  
31 under the following circumstances: the person against whom  
32 force is used is unlawfully entering by force or stealth, or  
33 has unlawfully entered by force or stealth and remains within a  
34 dwelling, place of business or employment, or occupied vehicle  
35 of the person using force; or the person against whom force is

1 used is unlawfully removing or attempting to remove another  
2 person against the other person's will from a dwelling, place  
3 of business or employment, or occupied vehicle of the person  
4 using force. In addition, the person may use such force if the  
5 person knows or has reason to believe that the aforementioned  
6 circumstances are occurring or have occurred.

7 The presumption of the use of justifiable deadly force  
8 under the bill does not apply at the time force is used in the  
9 following circumstances: the person using defensive force is  
10 engaged in a criminal offense or activity; the person sought  
11 to be removed is a child or grandchild or is otherwise in the  
12 lawful custody of the person against whom force is used; the  
13 person against whom force is used is a peace officer who has  
14 entered or is attempting to enter a dwelling, place of business  
15 or employment, or occupied vehicle in the lawful performance  
16 of the peace officer's official duties, and the person using  
17 force knows or reasonably should know that the person who has  
18 entered or is attempting to enter is a peace officer; or the  
19 person against whom force is used has the right to be in, or  
20 is a lawful resident of, the dwelling, place of business or  
21 employment, or occupied vehicle of the person using force, and  
22 a protective or no-contact order is not in effect against the  
23 person against whom the force is used.

24 The bill provides that a person is justified in the use of  
25 reasonable force when the person reasonably believes that such  
26 force is necessary to defend oneself or another from any actual  
27 as well as imminent use of unlawful force.

28 The bill repeals Code section 707.6 and consolidates  
29 criminal and civil immunity provisions in new Code section  
30 704.4A. Under the bill, a person who uses reasonable force  
31 shall be immune from any criminal prosecution or civil action  
32 for using such force.

33 Under the bill, a law enforcement agency shall not arrest a  
34 person for using force unless it determines there is probable  
35 cause that the force was unlawful under Code chapter 704.



1 The bill also provides that if a defendant is sued by a  
2 plaintiff for using reasonable force, the court shall award the  
3 defendant reasonable attorney fees, court costs, compensation  
4 for loss of income, and expenses if the court finds the  
5 defendant is immune from prosecution.

6 The bill also provides that a person who reasonably  
7 believes that a violent felony is being or will imminently be  
8 perpetrated is justified in using reasonable force, including  
9 deadly force, against a perpetrator to prevent or terminate the  
10 perpetration of that felony. The bill defines "violent felony"  
11 to mean any felonious assault, murder, violent or forced sexual  
12 abuse, kidnapping, robbery, arson, or burglary.

13 DIVISION XI — FRAUDULENT PURCHASE OF FIREARMS OR  
14 AMMUNITION. The bill provides that a person who knowingly  
15 solicits, persuades, encourages, or entices a licensed firearms  
16 dealer or private seller of firearms or ammunition to transfer  
17 a firearm or ammunition under circumstances that the person  
18 knows would violate the laws of this state or of the United  
19 States commits a class "D" felony. A person who knowingly  
20 provides materially false information to a licensed firearms  
21 dealer or private seller of firearms or ammunition with the  
22 intent to deceive the firearms dealer or seller about the  
23 legality of a transfer of a firearm or ammunition commits a  
24 class "D" felony. Any person who willfully procures another to  
25 engage in conduct prohibited by this Code section shall be held  
26 accountable as a principal.

27 The Code section does not apply to a law enforcement officer  
28 acting in the officer's official capacity or to a person acting  
29 at the direction of such law enforcement officer.

30 DIVISION XII — SNOWMOBILES AND ALL-TERRAIN VEHICLES.  
31 The bill modifies the requirements for carrying a pistol or  
32 revolver when operating a snowmobile or all-terrain vehicle on  
33 land that is not owned or possessed by the person. In addition  
34 to carrying a permit to carry weapons on the person and acting  
35 within the limits of the permit, current law requires a person

1 operating or riding on a snowmobile or all-terrain vehicle,  
2 with a loaded pistol or revolver, to secure the loaded pistol  
3 or revolver in a retention holster, if the person is operating  
4 or riding a snowmobile or all-terrain vehicle on land that is  
5 not owned or possessed by the person.

6     The bill strikes the requirements that the loaded pistol or  
7 revolver be secured in a retention holster and that a person  
8 has in the person's possession a valid permit to carry weapons  
9 which has been issued to the person, and act within the limits  
10 of that permit. Thus, the change in the bill allows a person  
11 operating or riding on a snowmobile or all-terrain vehicle to  
12 carry a loaded pistol or revolver without a retention holster  
13 and without a permit to carry weapons as long as the person's  
14 conduct is otherwise lawful.

15     The bill does not modify the requirement, applicable to most  
16 persons, that a firearm, other than a pistol or revolver, be  
17 unloaded and enclosed in a carrying case while a person is  
18 operating or riding on a snowmobile or all-terrain vehicle on  
19 land that is not owned or possessed by the person.